

By: Bohac

H.B. No. 3994

A BILL TO BE ENTITLED

AN ACT

relating to the availability of parking spaces at certain health facilities for persons with a disability; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subtitle A, Title 4, Health and Safety Code, is amended to read as follows:

SUBTITLE A. FINANCING, CONSTRUCTING, REGULATING, AND INSPECTING HEALTH FACILITIES AND PREMISES

SECTION 2. Subtitle A, Title 4, Health and Safety Code, is amended by adding Chapter 226 to read as follows:

CHAPTER 226. PARKING AT CERTAIN HEALTH FACILITIES SERVING PERSONS WITH DISABILITY

Sec. 226.0001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Health facility" means a facility licensed by the commission under this title.

Sec. 226.0002. AVAILABILITY OF PARKING. The executive commissioner by rule shall require each health facility that provides rehabilitation or physical therapy services, including a hospital that provides outpatient services, to have a sufficient

1 number of van-accessible parking spaces. A health facility may
2 provide van-accessible parking spaces that are angled or that share
3 access aisles with other parking spaces.

4 Sec. 226.0003. ADMINISTRATIVE PENALTY. (a) The commission
5 may impose an administrative penalty against a health facility that
6 violates this chapter or a rule adopted under this chapter in the
7 same manner the commission imposes an administrative penalty
8 against the facility for a violation of this title or rules adopted
9 under this title.

10 (b) The penalty imposed under this section may not exceed
11 \$1,000. Each day of a continuing violation is a separate violation.

12 (c) In determining the amount of the penalty imposed under
13 this section, the commission shall consider:

14 (1) any previous violations by the health facility;

15 (2) the seriousness of the violation;

16 (3) any hazard to the health and safety of patients of
17 the facility;

18 (4) the demonstrated good faith of the facility in
19 complying with this chapter or a rule adopted under this chapter;
20 and

21 (5) any other matter as justice may require.

22 (d) The enforcement of the penalty may be stayed during the
23 time the order is under judicial review if the health facility pays
24 the penalty to the clerk of the court or files a supersedeas bond
25 with the court in the amount of the penalty. A person who cannot
26 afford to pay the penalty or file the bond may stay the enforcement
27 by filing an affidavit in the manner required by the Texas Rules of

1 Civil Procedure for a party who cannot afford to file security for
2 costs, subject to the right of the commission to contest the
3 affidavit as provided by those rules.

4 (e) The attorney general may sue to collect the penalty and
5 recover the reasonable expenses and costs incurred in collecting
6 the penalty.

7 SECTION 3. As soon as practicable after the effective date
8 of this Act, the executive commissioner of the Health and Human
9 Services Commission shall adopt rules necessary to implement the
10 changes in law made by this Act.

11 SECTION 4. This Act takes effect September 1, 2019.